

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document.

Applicants again note that an Information Disclosure Statement was filed in the present application on January 5, 2004 (prior to issuance of the first Official Action), but that the Examiner has still not returned a signed and initialed copy of the Form PTO-1449 to Applicants. As stated in the prior Response, a review of the PAIR system, and the Image File Wrapper thereon, indicates that the Information Disclosure Statement was received and scanned into the electronic file wrapper. Accordingly, Applicants once again request that the Examiner consider the documents cited in the Information Disclosure Statement, and acknowledge such consideration by returning a copy of the Form PTO-1449 with the next Official Action.

Claims 1 and 2 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections and allowance of claims 1 and 2 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

On page 2 of the Official Action, claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over YAGI et al. (U.S. Patent No. 5,273,348) in view of GRIFFIN (U.S. Patent No. 2,805,737).

Applicants respectfully traverse the rejection of claims 1 and 2 under 35 U.S.C. § 103(a).

Second Liquid Is Not Supplied To A Wheel In YAGI et al.

Claim 1 includes, inter alia, “a master cylinder holding a first braking liquid pressurized in accordance with a stroke of the brake pedal stepped by a user; . . . an accumulator for accumulating a second braking liquid pressurized by a pressurizing member; a proportional pressure controller for controlling the pressure of the second braking liquid in the accumulator, and supplying the second braking liquid to a wheel”.

Applicants submit that YAGI et al. lacks any disclosure of a *second braking liquid* being supplied to a wheel, as recited in claim 1. In this regard, Applicants again note that in the system of YAGI et al., the *second braking liquid* which is accumulated in accumulator 7c (as designated by the Examiner) is not supplied to a wheel by the proportional pressure controller 51 (as designated by the Examiner). Instead, only the *first braking liquid* from the master cylinder 2 is supplied to the braking system 3, via the master cylinder pressure supply lines 10, 11. Accordingly, Applicants submit that the system disclosed in YAGI et al., in which the liquid from the master cylinder is supplied to the wheel, is clearly different than the presently claimed system, in which a separate liquid from an accumulator is supplied to the wheel.

Applicants further submit that the Examiner's position as stated on page 3 of the Official Action (i.e., that the second liquid in YAGI et al. is supplied to the wheel to the broad degree claimed in that the wheel is pressurized via slave cylinder 12) is clearly untenable. In this regard, Applicants again note that only the *first braking liquid* from the master cylinder 2 is supplied to the braking system 3, via the master cylinder pressure supply lines 10, 11. Contrary to the Examiner's position, Applicants note that the *second braking liquid* which is accumulated in accumulator 7c (as designated by the Examiner) is not "supplied to a wheel" in any sense. Although the "pressure" of the second braking liquid may affect the "pressure" of the first braking liquid in the system of YAGI et al., Applicants submit that the language of claim 1 clearly requires that the second braking liquid *itself* must be supplied to a wheel. Applicants further submit that this recitation in claim 1 is not a matter of "degree" as the Examiner appears to believe, but is instead a clearly recited feature of the claim which is not disclosed in YAGI et al. Accordingly, Applicants respectfully request that the Examiner provide some evidentiary support for his statement that "the second liquid in YAGI et al. is supplied to the wheel to the broad degree claimed" if he intends to maintain such an untenable position, which is clearly contrary to the teachings of the reference.

Not Obvious To Provide Relief Valve/Return Valve In YAGI et al.

Claim 1 further includes, inter alia, "a relief valve and a return valve intervened in a passage in parallel between the master cylinder and the auxiliary controller; the relief valve allowing the first braking liquid having a pressure greater than a predetermined pressure to be guided from the master cylinder into the auxiliary controller, and blocking the first braking liquid from the auxiliary controller to the master cylinder; the return valve allowing the first braking liquid from the auxiliary controller to the master cylinder, and blocking the first braking liquid from the master cylinder to the auxiliary controller".

Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a relief valve/return valve such as elements 9-11 of GRIFFIN in the system of YAGI et al. between the master cylinder 2 and the auxiliary controller 50 (as designated by the Examiner).

Applicants submit that such a modification would destroy the teachings of YAGI et al. itself relating to pressure control in the master cylinder pressure supply line 10. In this regard, Applicants note that any introduction of such relief and return valves along the master cylinder pressure supply line 10 in the system of YAGI et al. would alter the functional relationship between the master cylinder 2, the pressure control valve 5 and the pressure multiplier 12, and defeat the suggested benefit of such a structural arrangement as disclosed in YAGI et al. itself. For example, Applicants note that each of the master cylinder 2, the pressure control valve 5 and the pressure multiplier 12 affect the pressure in the master

cylinder pressure supply line 10 in order to achieve specific cumulative control results. It is clear that providing such relief and return valves along the master cylinder pressure supply line 10 would prohibit the interaction of these separate control elements (i.e., would prevent the cumulative pressure control taught by YAGI et al.). In other words, the introduction of such a relief valve/return valve in the system of YAGI et al. would destroy the benefits of the interrelated control provided by the aforesaid elements.

Applicants further note that the Examiner has provided no valid motivation for one of ordinary skill in the art to make the suggested modification. For instance, Applicants submit that raising the braking fluid pressure above the boiling point (as suggested by the Examiner) would not be a justifiable motivation for providing such relief and return valves in the master cylinder pressure supply line 10 of YAGI et al. Applicants note that at the most GRIFFIN would appear to teach the provision of such relief and return valves 10, 11 immediately upstream of wheels 5, 6, (where friction and heat would be a valid concern) rather than between a master cylinder and downstream controllers. Accordingly, the teachings of GRIFFIN could not possibly be viewed as providing motivation for one of ordinary skill in the art to provide such relief and return valves in an upstream position, such as between the master cylinder 2 and the auxiliary controller 50 (as designated by the Examiner) in the system of YAGI et al.

Further still, Applicants submit that the modification suggested by the Examiner is clearly the result of impermissible hindsight reasoning, based upon the disclosure of the present application, rather than the teachings of the references themselves.

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Accordingly, Applicants submit that the rejection of claims 1 and 2 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.


SUMMARY AND CONCLUSION

Reconsideration of the outstanding Official Action and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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 *Reg. No. 48,214*

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